
HOUSE BILL No. 1667

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-5-14; IC 3-7; IC 3-10; IC 3-11-8; IC 3-11.7.

Synopsis: Election day voter registration. Permits a person to register to vote and cast a provisional ballot on election day at the polls or at a county election board by completing a voter registration form and an affirmation that the person has not voted elsewhere in the election and by providing proof of residence. Specifies the documents acceptable as proof of residence, including a statement signed by another voter in the precinct that corroborates the residency of the person registering to vote. Requires that voter registration forms executed on election day be processed before the deadline for counting provisional ballots in order to determine the person's eligibility to vote before the person's provisional ballot is counted.

Effective: July 1, 2007.

GiaQuinta

January 23, 2007, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1667

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-6-5-14, AS AMENDED BY P.L.221-2005,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 14. (a) Each county election board, in addition to
4 duties otherwise prescribed by law, shall do the following:

5 (1) Adopt and amend a written plan to implement NVRA within
6 the county.

7 (2) Conduct all elections and administer the election laws within
8 the county, except as provided in IC 3-8-5 and IC 3-10-7 for town
9 conventions and municipal elections in certain small towns.

10 (3) Prepare all ballots.

11 (4) Distribute all ballots and pasters to all of the precincts in the
12 county.

13 **(5) Conduct election day registration and voting at the county
14 election board as provided under IC 3-7-49.**

15 (b) This subsection does not apply to pasters to be attached to
16 ballots during the final three (3) days before an election. Not later than
17 the Monday before distributing ballots, pasters, and voting systems to

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the precincts in the county, the county election board shall notify the county chairman of each major political party and, upon request, the chairman of any other bona fide political party in the county, that sample ballots and pasters are available for inspection.

SECTION 2. IC 3-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The registration period begins December 1 of each year (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) The registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) The registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. The registration period ceases in that precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

(e) Notwithstanding subsections (b) through (d), a person may register or transfer registration on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.

SECTION 3. IC 3-7-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. A person desiring to register or transfer a registration may do so:

(1) at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur; **or**

(2) on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49 or IC 3-10-11.

SECTION 4. IC 3-7-36-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) This section applies only to a person described in subsection (b) who applies to register to vote:

(1) after the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**; and

(2) before the date that the certified list of voters is prepared under IC 3-7-29-1.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in ~~IC 3-7-13-10~~ **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following

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1 discharge from service or reassignment, register to vote by doing the
2 following:

3 (1) Showing either of the following to the circuit court clerk or
4 board of registration:

5 (A) A discharge from service, dated not earlier than the
6 beginning of the registration period that ended on the date
7 described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- 8 (i) the voter;
9 (ii) the voter's spouse; or
10 (iii) the individual of whom the voter is a dependent.

11 (B) A copy of the government movement orders, with a
12 reporting date not earlier than the beginning of the registration
13 period that ended on the date described in ~~IC 3-7-13-11~~,
14 **IC 3-7-13-11(1)**, of:

- 15 (i) the voter;
16 (ii) the voter's spouse; or
17 (iii) the individual of whom the voter is a dependent.

18 (2) Completing a registration affidavit.

19 (c) A voter who registers under this section may vote at the
20 upcoming election as provided in this title.

21 SECTION 5. IC 3-7-36-14 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section
23 applies to a person described in subsection (b) who applies to register
24 to vote during the period:

- 25 (1) beginning on the date that the certified list of voters is
26 prepared under IC 3-7-29-1; and
27 (2) ending at noon election day.

28 (b) An absent uniformed services voter who is absent from Indiana
29 during the registration period described in ~~IC 3-7-13-10~~
30 **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would
31 be entitled to register to vote under Indiana law may, upon returning to
32 Indiana during the period described in subsection (a) following
33 discharge from service or reassignment, register to vote by doing the
34 following:

35 (1) Showing either of the following to the county voter
36 registration office:

37 (A) A discharge from service, dated not earlier than the
38 beginning of the registration period that ended on the date
39 described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- 40 (i) the voter;
41 (ii) the voter's spouse; or
42 (iii) the individual of whom the voter is a dependent.

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(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) **Except as provided in subsection (g)**, a voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

- (1) Complete an application for an absentee ballot.
- (2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

- (1) Certify in writing that the voter registered under this section.
- (2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

(g) A person described in subsection (b) may register and vote on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.

SECTION 6. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless:

- (1) the circuit court clerk or board of registration provides a signed certificate of error in the office where the permanent registration record is kept showing that the voter is legally registered in the precinct where the voter resides; or**
- (2) the voter has registered as provided in IC 3-7-49.**

(b) A person:

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1 (1) whose name does not appear on the registration record; and
 2 (2) who registers as provided in IC 3-7-49;
 3 may cast a provisional ballot as provided in IC 3-11.7.

4 SECTION 7. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS
 5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2007]:

7 **Chapter 49. Election Day Registration**

8 **Sec. 1. (a) A person who is not registered to vote but is otherwise**
 9 **qualified to vote shall be allowed to vote by casting a provisional**
 10 **ballot in a primary, general, municipal, school district, or special**
 11 **election if the person registers at the polls or at a county election**
 12 **board on election day under this chapter.**

13 **(b) In order to register to vote under this chapter, a person:**

14 **(1) must be a resident of:**

15 **(A) the precinct, if the person is registering to vote at the**
 16 **polls; or**

17 **(B) a precinct in the county, if the person is registering to**
 18 **vote at a county election board;**

19 **(2) must be otherwise legally qualified to vote under**
 20 **IC 3-7-13-1;**

21 **(3) may not be registered to vote under IC 3-7-14 through**
 22 **IC 3-7-23;**

23 **(4) may not be qualified to vote under IC 3-7-39-7,**
 24 **IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12;**
 25 **and**

26 **(5) may not have already voted in the election.**

27 **(c) Before allowing a person to vote under this chapter:**

28 **(1) a precinct election officer, if the person is registering to**
 29 **vote at the polls; or**

30 **(2) a deputy election commissioner, if the person is registering**
 31 **to vote at a county election board;**

32 **shall require the person to take the actions described in subsection**
 33 **(d).**

34 **(d) Before voting, a person must do the following:**

35 **(1) Complete a voter registration form prescribed by**
 36 **IC 3-7-18, along with the affirmation described in section 3 of**
 37 **this chapter, and sign the form in the presence of two (2):**

38 **(A) precinct election officers, if the person is registering to**
 39 **vote at the polls; or**

40 **(B) deputy election commissioners, if the person is**
 41 **registering to vote at the county election board;**

42 **who must be from different political parties. If the county**

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election board has not appointed precinct election officers from more than one (1) political party to a precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer.

(2) Provide acceptable proof of residence.

Sec. 2. (a) For purposes of this chapter, one (1) of the following forms of identification is acceptable as proof of residence:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the person registering to vote.

(3) A statement signed by any other voter who resides in the same precinct as the voter that corroborates the information on the voter's registration form concerning the residency of the person registering to vote. The corroborator must provide the identification listed in subdivision (1) or (2) as proof of the corroborator's residence and must sign the statement in the presence of two (2):

(A) precinct election officers, if the person is registering to vote at the polls; or

(B) deputy election commissioners, if the person is registering to vote at the county election board; who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to a precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer. The commission shall prescribe the form of the statement.

(b) If a person presents a document under subsection (a), the:

(1) poll clerk shall add a notation to the poll list, if the person is registering to vote at the polls; or

(2) a deputy election commissioner shall add a notation on the person's registration form, if the person is registering to vote at a county election board;

indicating the type of document presented by the person and provide a provisional ballot to the person under IC 3-11.7-2. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(c) If a person is unable to present the documentation required under subsection (a) while present in the polls or at the county election board, the:

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(1) poll clerk, if the person is registering to vote at the polls;
or

(2) a deputy election commissioner, if the person is registering
to vote at a county election board;

shall provide a provisional ballot to the person under IC 3-11.7-2.

(d) The precinct election board or county election board shall
advise a person who presents the documentation that the county
voter registration office must determine the person's eligibility to
vote before the person's provisional ballot may be counted under
IC 3-11.7.

(e) The precinct election board or county election board shall
advise the person who is unable to present the documentation that
in order for the person's provisional ballot to be counted under
IC 3-11.7:

(1) the person must file a copy of the documentation with:

(A) the county voter registration office; or

(B) the precinct election board in the voter's precinct; and

(2) the county voter registration office must determine the
person's eligibility to vote.

Sec. 3. The commission shall prescribe the affirmation required
by section 1(d)(1) of this chapter. The affirmation must include a
statement that the person has not already voted at the election for
which the person is registering to vote.

Sec. 4. Before each primary, general, municipal, school district,
or special election, the county election board shall provide each
precinct election board and the county election board with a
sufficient number of registration forms, affirmations, statements,
and provisional ballots to meet the reasonable need for the forms
and ballots under this chapter.

Sec. 5. (a) The precinct election board shall attach the completed
registration forms, affirmations, and statements to the poll list for
processing by the county voter registration office under
IC 3-10-1-31.1.

(b) The county election board shall provide the completed
registration forms, affirmations, and statements to the county
voter registration office for processing under IC 3-7-33-5.

Sec. 6. (a) The precinct election board shall add the name and
address of a person who registers to vote under this chapter to the
poll list of the precinct.

(b) The county voter registration office shall add the name of a
person who registers to vote under this chapter to the registration
record of the county.

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1 **Sec. 7. Before the deadline for counting provisional ballots**
 2 **under IC 3-11.7, the county voter registration office shall process**
 3 **under IC 3-7-33-5 the voter registration forms completed under**
 4 **section 1 of this chapter and determine whether the person is**
 5 **eligible to vote. The county voter registration office shall notify the**
 6 **county election board of the determination as provided in**
 7 **IC 3-11.7-5-1.3.**

8 **Sec. 8. If a notice mailed under IC 3-7-33-5 to a person who**
 9 **registered under this chapter is returned as undeliverable, the**
 10 **county voter registration office shall, in addition to notifying the**
 11 **county election board under IC 3-11.7-5-1.3, initiate steps under**
 12 **IC 3-7-33-6 to remove the person from the registration rolls.**

13 **Sec. 9. A registration completed under this chapter for which**
 14 **the notice mailed under IC 3-7-33-5 is not returned is effective to**
 15 **the same extent as if the registration had been completed under**
 16 **IC 3-7-14 through IC 3-7-23.**

17 SECTION 8. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005,
 18 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2007]: Sec. 31.1. (a) This section applies only to election
 20 materials for elections held after December 31, 2003.

21 (b) The inspector of each precinct shall deliver the bags required by
 22 section 30(a) and 30(c) of this chapter in good condition, together with
 23 poll lists, tally sheets, and other forms, to the circuit court clerk when
 24 making returns.

25 (c) Except for unused ballots disposed of under IC 3-11-3-31 or
 26 affidavits received by the county election board under IC 3-14-5-2 for
 27 delivery to the foreman of a grand jury, the circuit court clerk shall seal
 28 the ballots and other material during the time allowed to file a verified
 29 petition or cross-petition for a recount of votes or to contest the
 30 election. Except as provided in subsection (d), after the recount or
 31 contest filing period, the election material (except for ballots, which
 32 remain confidential) shall be made available for copying and inspection
 33 under IC 5-14-3. The circuit court clerk shall carefully preserve the
 34 sealed ballots and other material for twenty-two (22) months, as
 35 required by 42 U.S.C. 1974, after which the sealed ballots and other
 36 material are subject to IC 5-15-6 unless an order issued under:

37 (1) IC 3-12-6-19 or IC 3-12-11-16; or

38 (2) 42 U.S.C. 1973;

39 requires the continued preservation of the ballots or other material.

40 (d) If a petition for a recount or contest is filed, the material for that
 41 election remains confidential until completion of the recount or contest.

42 (e) Upon delivery of the poll lists, the county voter registration

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office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;
- (3) a change of name made under IC 3-7-41;
- (4) adding the registration of a voter under IC 3-7-48-8 **or IC 3-7-49**; or
- (5) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot.

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 9. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and resumes on the date specified by IC 3-7-13-10(d), **except that a person may register or transfer registration on the day of a special election as provided in IC 3-7-49.**

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

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(1) have registered through the twenty-ninth day before the special election is to be conducted; or

(2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election.

(d) The restrictions on the sale of alcoholic beverages set forth in IC 7.1-5-10-1 apply in each precinct in which the special election is conducted.

SECTION 10. IC 3-11-8-15, AS AMENDED BY P.L.230-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

(1) Members of a precinct election board.

(2) Poll clerks and assistant poll clerks.

(3) Election sheriffs.

(4) Deputy election commissioners.

(5) Pollbook holders and challengers.

(6) Watchers.

(7) Voters for the purposes of:

(A) voting; or

(B) for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct.

(8) Minor children accompanying voters as provided under IC 3-11-11-8.

(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.

(10) An individual authorized to assist a voter in accordance with IC 3-11-9.

(11) A member of a county election board, acting on behalf of the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

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(A) The county chairman of a political party.

(B) The county vice chairman of a political party.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 11. IC 3-11-8-16, AS AMENDED BY P.L.230-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of:

(1) offering to vote; or

(2) for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct.

SECTION 12. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section

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22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce ~~the voter's name~~ to the poll clerks or assistant poll clerks **the voter's name and whether the voter wants to register at the polls. If the voter wants to register and meets the conditions set forth in IC 3-7-49, the poll clerk or other precinct election officer shall register the voter and allow the voter to vote a provisional ballot in accordance with IC 3-7-49. If the voter is already registered,** a poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

- (1) the poll clerk does not execute a challenger's affidavit; or

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(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;
the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 13. IC 3-11-8-25.5, AS AMENDED BY P.L.164-2006, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25.5. (a) If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) checks the "Address Unchanged" box;

on the poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to ~~cast a ballot at the election.~~ **except as provided by subsection (b).**

(b) An individual who:

(1) registers to vote on election day under IC 3-7-49; and

(2) is unable to present the documentation required under IC 3-7-49-2(a);

is entitled to reenter the polls solely to file a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the individual's precinct.

SECTION 14. IC 3-11.7-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The county election board shall provide to each precinct election board **and the county election board** envelopes marked "Provisional Ballot" in which a provisional voter places the voter's provisional ballot.

SECTION 15. IC 3-11.7-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. An individual who registers to vote on election day under IC 3-7-49 is entitled to vote by casting a provisional ballot under this chapter.**

SECTION 16. IC 3-11.7-5-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.3. (a) This section applies to an individual who registers to vote on election day under IC 3-7-49.**

(b) The county voter registration office shall determine whether the individual is eligible to vote under IC 3-7-33 and notify the

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1 county election board of the determination before the deadline for
2 counting provisional ballots under IC 3-11.7.

3 (c) If the county voter registration office determines that the
4 individual is eligible to vote under IC 3-7-33, the county voter
5 registration office shall notify the county election board that the
6 individual is eligible to vote. The county election board shall count
7 the individual's provisional ballot under this chapter.

8 (d) If the county voter registration office:

9 (1) is unable to determine whether the individual is eligible to
10 vote under IC 3-7-33; or

11 (2) determines that the individual is not eligible to vote under
12 IC 3-7-33;

13 the county voter registration office shall notify the county election
14 board that the individual is not eligible to vote, including the
15 reasons for the county election board's determination. The county
16 election board shall make the findings required under section 3 of
17 this chapter with regard to the individual's provisional ballot and
18 note on the provisional ballot envelope: "Provisional ballot
19 determined invalid".

20 SECTION 17. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005,
21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2007]: Sec. 2.5. (a) A voter who:

23 (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26
24 as a result of the voter's inability or declination to provide proof
25 of identification **or registered to vote on election day under**
26 **IC 3-7-49 without presenting the documentation required by**
27 **IC 3-7-49-2(a); and**

28 (2) cast a provisional ballot;

29 may personally appear before the circuit court clerk or the county
30 election board not later than the deadline specified by section 1 of this
31 chapter for the county election board to determine whether to count a
32 provisional ballot.

33 (b) Except as provided in subsection (c) or (e), if the voter:

34 (1) provides proof of identification to the circuit court clerk or
35 county election board; ~~and~~

36 (2) executes an affidavit before the clerk or board, in the form
37 prescribed by the commission, affirming under the penalties of
38 perjury that the voter is the same individual who:

39 (A) personally appeared before the precinct election board **or**
40 **the county election board; and**

41 (B) cast the provisional ballot on election day; **and**

42 **(3) in the case of an individual who registered to vote on**

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1 **election day under IC 3-7-49, is eligible to vote as determined**
 2 **by the county voter registration office under section 1.3 of this**
 3 **chapter;**

4 the county election board shall find that the voter's provisional ballot
 5 is valid and direct that the provisional ballot be opened under section
 6 4 of this chapter and processed in accordance with this chapter.

7 (c) If the voter executes an affidavit before the circuit court clerk or
 8 county election board, in the form prescribed by the commission,
 9 affirming under the penalties of perjury that:

10 (1) the voter is the same individual who:

11 (A) personally appeared before the precinct election board **or**
 12 **the county election board;** and

13 (B) cast the provisional ballot on election day; and

14 (2) the voter:

15 (A) is:

16 (i) indigent; and

17 (ii) unable to obtain proof of identification without the
 18 payment of a fee; or

19 (B) has a religious objection to being photographed;

20 the county election board shall determine whether the voter has been
 21 challenged for any reason other than the voter's inability or declination
 22 to present proof of identification to the precinct election board.

23 (d) If the county election board determines that the voter described
 24 in subsection (c) has been challenged solely for the inability or
 25 declination of the voter to provide proof of identification, the county
 26 election board shall:

27 (1) find that the voter's provisional ballot is valid; and

28 (2) direct that the provisional ballot be:

29 (A) opened under section 4 of this chapter; and

30 (B) processed in accordance with this chapter.

31 (e) If the county election board determines that a voter described in
 32 subsection (b) or (c) has been challenged for a cause other than the
 33 voter's inability or declination to provide proof of identification, the
 34 board shall:

35 (1) note on the envelope containing the provisional ballot that the
 36 voter has complied with the proof of identification requirement;
 37 and

38 (2) proceed to determine the validity of the remaining challenges
 39 set forth in the challenge affidavit before ruling on the validity of
 40 the voter's provisional ballot.

41 (f) If a voter described by subsection (a) fails by the deadline for
 42 counting provisional ballots referenced in subsection (a) to:

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1 (1) appear before the county election board; and

2 (2) execute an affidavit in the manner prescribed by subsection

3 (b) or (c);

4 the county election board shall find that the voter's provisional ballot
5 is invalid.

6 SECTION 18. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005,
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2007]: Sec. 3. (a) If the board determines that the affidavit
9 executed by the provisional voter has not been properly executed, that
10 the provisional voter is not a qualified voter of the precinct, that the
11 voter failed to provide proof of identification when required under
12 IC 3-10-1, IC 3-11-8, ~~or~~ IC 3-11-10-26, or **IC 3-7-49-2(a)**, or that the
13 provisional voter did not register to vote at a registration agency under
14 this article on a date within the registration period, the board shall
15 make the following findings:

16 (1) The provisional ballot is invalid.

17 (2) The provisional ballot may not be counted.

18 (3) The provisional ballot envelope containing the ballots cast by
19 the provisional voter may not be opened.

20 (b) If the county election board determines that a provisional ballot
21 is invalid, a notation shall be made on the provisional ballot envelope:
22 "Provisional ballot determined invalid".

23 SECTION 19. IC 3-11.7-5-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If the board
25 determines that a provisional ballot is valid under section **1.3** or 2 of
26 this chapter, the provisional ballot envelope shall be opened. The
27 outside of each provisional ballot shall also be marked to identify the
28 precinct and the date of the election of the ballots.

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